

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND

3 MELVIN NEWSOME, et al.

4 Plaintiffs

5 vs.

6 UP-T0-DATE LAUNDRY, INC., CIVIL ACTION

7 et al. NO. S01-2257

8 Defendants

9 _____/

10 The deposition of JOSEPH LLOYD was held on
11 Friday, March 21, 2003, commencing at 10:11 A.M. at
12 the law offices of Whiteford, Taylor & Preston, LLP,
13 Seven Saint Paul Street, Baltimore, Maryland
14 21202-1626, before Sandra A. Slater, Notary Public.

15 APPEARANCES:

16 PHILIP J. SIMON, ESQUIRE
 On behalf of Plaintiffs

17 JEANNE M. PHELAN, ESQUIRE
18 On behalf of Defendants

19 Also Present: Bradley Minetree

20

21 REPORTED BY: Sandra A. Slater, RPR, CSR

 GORE BROTHERS
 Reporting & Video Co., Inc.
 410-837-3027

1 that it calls for him to make a legal conclusion about
2 the claims that he has asserted in the lawsuit but.

3 MS. PHELAN: Well, Mr. Simon, we are here
4 to find out about his claims and if he can't assert
5 them it impedes the discovery process so.

6 Q Were there any other complaints that you
7 had other than the difference in hourly wages and how
8 you were being treated by Brad and David?

9 A Harassment.

10 Q Excuse me?

11 A The harassing, the harassing, how they
12 treat me.

13 Q Is that different than the how you are
14 being treated by Brad and Dave?

15 A Yes.

16 Q What's the harassment? Tell me what that
17 is.

18 A When I was working on the machine Dave
19 came behind me and he start humping up on my back and
20 I asked him was he crazy and Bradley he called me
21 names like you dumb mother fucker. Should I say that?

1 Q Yeah.

2 MR. SIMON: Yes, it's all right to say
3 that.

4 Q Yeah, you need to say whatever was said.

5 A And how he called us -- me a black stupid
6 mother fucker, how I goes on my lunch break and he
7 squeezes my nipples. Dave squeezed my nipples. And
8 Ms. Nancy say that's why the Latinos -- she would
9 rather pay the Latinos more than the blacks because
10 the blacks all they want to do is get high and then
11 don't want to work. And then Brad called me a Kunta
12 Kunta and then smiles at me when he said it.

13 Q He calls you what?

14 A Kunta Kunta. Kunta Kinte.

15 Q What was it he called you?

16 A That's the words that he would say and
17 then he would laugh at me.

18 Q What words was it that he would say?

19 A Kunta Kinte you dumb black ass, you black
20 mother fucker.

21 Q Did you understand what he meant by the

1 Kunta Kinte?

2 A Yes, I did.

3 Q What did you understand that to mean?

4 A And he called my a dumb ass nigger.

5 Q What is Kunta Kinte?

6 A I don't know what that -- I only seen the
7 movie of that and then --

8 Q You did see the movie?

9 A Yeah.

10 Q What does it mean? Who was Kunta Kinte?

11 A Kunta Kinte was a black guy.

12 Q Do you know anything about him other than
13 the fact he was a black guy?

14 A They cut his toes off, when he tried to
15 escape they beat him with a whip and they made him say
16 his name, that wasn't his name.

17 Q What does that mean?

18 A As they was beating him they was telling
19 him to say Kunta Kinte.

20 Q Did you ever talk with Brad about that
21 movie?

1 A The dryer, you sit the pads on a
2 temperature for it to be dry and he overed the
3 temperature and then burnt the pads up.

4 Q And who was that?

5 A Noel.

6 Q What's the name?

7 A That's what I calls him, Noel.

8 Q Okay. Is he a Hispanic guy?

9 A Latino.

10 Q When did that happen?

11 A I don't recall. It was at the old plant.

12 Q Do you know of anyone else who ever made a
13 mistake like that on the dryer?

14 A No.

15 Q I think you indicated you thought it was
16 because you had signed this open letter?

17 A Yeah.

18 Q And why do you think that?

19 A Because after I signed the open letter I
20 was called into the office and they were saying that I
21 could have signed this letter for sign my life away or

1 I could owe some people a lot of money.

2 Q Who was saying that?

3 A Ms. Nancy and John.

4 Q When you signed the piece of paper was the
5 letter on it?

6 A It was names on it.

7 Q So it was a blank piece of paper with
8 names on it?

9 A No, it wasn't a blank piece of paper. It
10 was in writing, everybody had their name on it about
11 wages and discrimination.

12 Q Who asked you to sign the letter?

13 A I signed it on my own.

14 Q How did you get it?

15 A It was in the window by the office.

16 Q It was in the window by the office when
17 you signed it?

18 A Yes, hanging up on like a bulletin board.

19 Q Wasn't that after everybody had already
20 signed it?

21 A It was names on it.

1 Q When was that?

2 A I don't remember. It was sometime in '99.

3 Q Were you at the new building?

4 A Yeah.

5 Q Do you remember how long it was after you
6 moved to the new building?

7 A When the union came in.

8 Q When they first started coming around?

9 A Yeah.

10 Q Do you know how Nancy knew that you had
11 signed a union card?

12 A I don't remember.

13 Q And then you were indicating she called
14 you into the office and said something about signing a
15 blank check?

16 A She called me in the office about signing
17 that open letter. She said that I hurt her feelings
18 by signing that open letter.

19 Q Did she say why?

20 A I don't remember.

21 Q What did you say to her when she told you

1 said that you think that you were denied overtime
2 after you returned to Up-To-Date in 2001.

3 A Yes.

4 Q Do you think that was discrimination?

5 A Yes.

6 Q Why is that?

7 A Because when I came back in 2001 they sent
8 me straight to the soil room, less pay and I wasn't
9 getting no overtime.

10 Q What do you mean by less pay?

11 A Because the skill that I had I could have
12 been all over the place and I didn't want -- that area
13 I didn't want to work. I wanted to work where the
14 money was.

15 Q What do you mean when you say where the
16 money is?

17 A Working operating the machine.

18 Q Who was operating the machine you wanted
19 to work?

20 A Pardon me?

21 Q Who was operating the machines you wanted

1 Q You indicate there was no overtime?

2 A No overtime.

3 Q Do you think that was because of your
4 race?

5 MR. SIMON: Objection. Asked and answered
6 but you can answer again.

7 A Can you repeat the question?

8 Q Do you think that the reason you didn't
9 work overtime was because of your race?

10 A Yes.

11 Q Who was working overtime?

12 A The Latinos was working overtime.

13 Q And what Latinos was that?

14 A I know I should know one of them. Santo,
15 no, not Santo. I can't remember their name.

16 Q What job did the person do or those people
17 do?

18 A They was operating the machines.

19 Q When you say operating the machines what
20 does that mean?

21 A The tunnel, the press, the dryers.

1 Q Did anybody who was working in the soil
2 room with you work overtime?

3 A No.

4 Q Did you complain to anybody about your
5 assignment?

6 A About working overtime?

7 Q No, about your assignment to the soil
8 room?

9 A I don't understand.

10 Q Did you complain to anybody, did you tell
11 anybody you thought it was discriminatory?

12 A I told the supervisor.

13 Q Okay. Is that McCoy?

14 A Yeah.

15 Q And what did he say?

16 A He didn't say too much.

17 Q What exactly is it that you told him?

18 A He say he will see what he can do.

19 Q No, what is it that you told him?

20 A What did I tell him?

21 Q Um-hum.

1 A Can I work the press or try to work the
2 tunnel or the side loader.

3 Q Did you say anything else to him?

4 A No.

5 Q And his response is he would see what he
6 could do?

7 A Yeah.

8 Q But you stayed in the soil room doing the
9 sorting work?

10 A Pardon me?

11 Q Did you stay in the soil room doing the
12 sorting work after that?

13 A Yep, yes.

14 Q The union came in not long after you came
15 back; is that correct?

16 A That's correct.

17 Q Once the union came in how did job
18 assignments work?

19 A Everything was going pretty smooth but it
20 wasn't no overtime.

21 Q Do you think that was discriminatory?

1 A Bradley would get upset and mad when the
2 work ain't out at a certain time and he would get
3 violent when machines break down. Dave, he goes
4 around feeling on people, picking on people and he
5 have a nasty attitude. I seen Dave and Brad fight one
6 time. Even Dave brought a gun to the factory.

7 Q Did you see the gun?

8 A I seen part of it.

9 Q Where did you see it?

10 A The handle part.

11 Q Where did you see it?

12 A By the loading dock.

13 Q Where was the gun at that point?

14 A It was in his side.

15 Q In his what?

16 A In his side.

17 Q In whose side?

18 A In his dent, in his side, down in his
19 pants.

20 Q In Dave's --

21 A Yeah.

1 to him. I was working on the press during that time.
2 He started calling me mother fucker, dumb ass, why did
3 I let Santo stop the tunnel up. I told him why are
4 you yelling at me. That man is the one that stopped
5 the tunnel up. Then he started calling me a black
6 ass, mother fucker, dumb ass, bitch. At that point I
7 got mad and I left but he send Mike Ashley at my house
8 to have me come back to the factory and apologize to
9 me. I heard him call Howard dumb black mother fuckers
10 because --

11 Q Before we talk about Howard let's talk a
12 little bit more about this first incident. When did
13 this happen?

14 A At the old plant.

15 Q How long ago?

16 A Late part of '98.

17 Q And you said you got mad and left. You
18 left during your shift?

19 A No, I left maybe ten minutes before my
20 shift was over because I was so hurt of what he was
21 saying to me.

1 apologized?

2 A Yes.

3 Q Did you go back to work?

4 A The next day, yes.

5 Q You were telling me about a situation
6 involving Howard White. Tell me what happened.

7 A Howard White was slow in doing the clothes
8 and Brad got upset because Howard like wasn't getting
9 the clothes out fast enough. Then he started calling
10 Howard White dumb black mother fucker, what's taking
11 you so long with these clothes?

12 Q Where were you working then?

13 A I was working on the tunnel. Pardon me, I
14 was working on the press.

15 Q When you say Howard White was slow doing
16 clothes was he always slow doing clothes or was he
17 particularly slow that day?

18 A He was at his normal speed.

19 Q What happened after Brad made that
20 comment?

21 A I just looked at Howard and he was so

1 Q Was anybody else there?

2 A Working at the plant?

3 Q Other than her and Brad in the
4 conversation?

5 A I didn't go in the office. She said it
6 was two persons in there, Brad and another supervisor.

7 Q Were there other people in the plant?

8 A Yes.

9 Q Other than that comment and the ones we
10 have talked about, the other ones I gave you the list
11 of right before that, were there any other situations
12 where you saw or heard Brad do something racial?

13 MR. SIMON: Continuing objection. It
14 mischaracterizes his testimony.

15 A No.

16 Q Now, you say that other people told you
17 that they had heard or seen things?

18 A Yeah.

19 Q Tell me what you heard from other people.

20 A One guy in the soil room told me that
21 Bradley calling him dumb ass mother fucker, black

1 mother fuckers and at the old plant by it's so small
2 you can hear when Brad cusses somebody out. You can
3 be way in back of where the pads at you can hear him
4 screaming and cussing and calling people assholes,
5 dumb mother fuckers, niggers and everybody just pay
6 attention to him because that's how loud he be.

7 Q Did you hear this?

8 A Yeah.

9 Q When the person was telling you about the
10 soil room incident?

11 A Yeah. You cannot help from hearing when
12 Brad get mad and angry. You cannot help from hearing
13 the things that he said because he said it so loud the
14 whole factory hear it.

15 Q In that old factory did you ever hear him
16 get mad at anybody who was Hispanic?

17 A Only blacks.

18 Q You never heard him curse anybody who was
19 Hispanic?

20 MR. SIMON: Objection. Asked and
21 answered.